Water Supply to the Adikarnataka Colony at Mandya.

Q.—68. **Mr. M. C. CHELUVIAH** (Minorities).—

Will the Government be pleased to state:—

(*a*) whether they are aware that the Adikarnataka community is experiencing trouble on account of the scarcity of water in the Adikarnataka Colony at Mandya;

(*b*) what is the facility provided by the local authorities in the matter?

A.—**The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa).**—

(*a*) Yes, in the eastern colony.

(*b*) A well was sunk which however failed to tap water. The water supply scheme is being expedited.

VII. General Principles of the Bill to amend the Mysore Village Offices Regulation—*concld.*

Mr. H. B. GUNDAPPA prefaced his remarks by thanking the Government for having placed the measure before the House as per promise made by them both in the Representative Assembly and the Legislative Council. Referring to the powers proposed to be given to inamdars under the bill he said that it looked as though the tendency on the part of the Government was more to help the inamdars in as many ways as possible than the tenants, and prayed that in order to safeguard the interests of tenants in inam villages, Government should frame comprehensive legislation.

Continuing, the speaker said that though from the Government Order of 10th July 1935 it was evident that the Government had in view only the question of the termination of the hereditary rights of shanbhogs and not of other village offices, the bill before the House which was framed for the purpose of implementing that order aimed at the abolition of the hereditary right in respect of all village offices, *viz.*, shanbhogs, patels, etc. There were at present 18,000 patels, 6,000 and odd shanbhogs and several thousands of other village servants. To replace such a large number of officers by stipendiary men all at once would be an impracticable proposition. This naturally led members to suspect whether Government were at all serious about giving effect to the proposed legislation.

Proceeding, the speaker said that the reason why the bill should confine itself to the abolition of the hereditary *shanbhogi* was that the charges of misappropriations were mostly against shanbhogs. If such complaints had been received in respect of patels also, then Government would have been justified in including them also in the bill. So long as it was not the case, he felt that there was no justification in bringing the question of patels also within the ambit of the measure.

The PRESIDENT observed that it was necessary to clear a misunderstanding on the part of the speaker. Government had clearly explained their views in the matter in the December Session of the Legislative Council of 1934 in the following words:—

"The Government have no wish to perpetuate the system of hereditary appointments to public offices. In fact, Government consider that the hereditary system in respect of the office of shanbhogi should be terminated as rapidly as circumstances permit. But the principle is one which in their view should apply equally to other village offices If the hereditary principle is open to objection in the case of shanbhogs, it is equally so in the case of patels and even of thoties and talaries. In respect of each class of offices, we have to see how far such action is urgent, expedient and practicable from the administrative point of view. . . . . ."

The bill had been so framed as to give effect to the policy enumerated above.

Mr. H. B. GUNDAPPA said that when the Record of Rights scheme was introduced in the Davangere Taluk and the Harihar Sub-Taluk, Government had the necessary statistics collected as to the cost likely to be involved in replacing the hereditary shanbhogs by paid agency in those taluks and it was found to be a feasible proposition without any increased expenditure. From this it was clear that all along it was a question of the abolition of the hereditary rights of only shanbhogs.

The PRESIDENT observed that with a view to give effect to the Government Order of 1935, the first step to be taken

consisted in amending the Village Offices Regulation, and in so amending the procedure could only be one. The legislation to be passed must be such as would apply to all classes of offices mentioned in the Regulation. After the Regulation was amended, Government would see in what order they should give effect to it. That was purely a matter of executive action and would come later.

Mr. H. B. GUNDAPPA, while agreeing with the above view, said that as there was an impression in the minds of the people that the passing of the measure would have the effect of taking away wholesale the hereditary rights of both shanbhogs and patels, it was necessary for the Government to declare in what order and in how many years the proposed measure would be given effect to. With these remarks, he supported the measure.

Mr. L. VEMA REDDY said that, before proceeding with the consideration of the measure, three points had to be answered satisfactorily, *viz.*,—

(1) whether Government could interfere with the hereditary right at all;

(2) whether the existing circumstances were such that the hereditary system should be abolished at any cost; and

(3) whether there was a guarantee that by the replacement of the existing hereditary officers by stipendiary men, the hardships now complained of were going to be removed all at once.

Referring to the provision *re.* terminating the hereditary right with the consent of the holder, he enquired whether the Government would be justified in depriving the family of a right which it had been enjoying from time immemorial. The administrative machinery in ancient India was organised with the ruling chief at the top and the village officer at the bottom. The village organisation had a long and healthy tradition. It was not known when the system originated, but this much could be said that while governments had changed, the institution of hereditary village offices continued without interruption, and it was a point for consideration whether it would be just and equitable for the Government, from their high pedestal, to deprive the village officers, who were at the lowest rung of the administrative machinery, of their time-honoured privilege. Another point to be borne in mind in this connection was that the hereditary right was not the personal property of the holder for the time being, but it was a right belonging to the entire family. As such, it had to be considered whether the Government could accept any voluntary surrender. It seemed to him that it was neither just nor equitable.

The bill also provided for the compulsory resumption of the right by the Deputy Commissioner in public interests. While admitting that Government had the power to remove a particular holder of a village office in the interests of the public, justice required that the substitute should be selected from the same family. But the amendment sought to resume the office altogether and deprive the entire family of the right by paying compensation. Though the change proposed looked legal, he for one thought that it was a drastic provision.

Continuing, **Mr. VEMA REDDY** said that there was no guarantee that the stipendiary shanbhogs would not give room to the same complaints alleged against the existing shanbhogs. In the first place, the stipendiary men would have no stake in the village. Generally, they would accept the appointment as a stepping stone and would always be on the look out for better jobs with higher emoluments, and the moment they secured one, they would be away. They would therefore not have the interest and welfare of the villagers at heart. They would also not be in a position to know the local conditions and the Amildars would be at their wit's end to extract work from them. On the other hand, the existing hereditary shanbhogs were born residents of the place with a stake in the village. They had personal knowledge of local conditions as well as local residents. They were therefore in a position to discharge their duties much

more efficiently than the stipendiary men. In fact, Government had also recognised the honest and faithful service rendered by these people in the past.

The PRESIDENT observed that all those points had been considered by the committee that investigated the entire question.

Mr. L. VEMA REDDY did not think that there was any need to introduce the measure simply because it was in force in the Bombay Presidency. Conditions in the State were altogether different from those in the Bombay Presidency. The relations between the Ruler and the ruled were much more cordial in the State than in the Bombay Presidency which was under a foreign government. It was also not a wise policy to uproot the institution altogether for the fault of a few individuals. The hereditary right of the shanbhogs was a valuable right with a hoary past and should not be meddled with in a light-hearted manner. With these remarks he opposed the measure.

Mr. C. N. NARASINGA RAO also opposed the bill. He said that he was surprised to see Mr. Gundappa thanking the Government for placing the measure before the House. There was no legal basis for the Government to issue the order of July 1935; nor was it based on popular opinion. It only represented the views of the members of the Representative Assembly and the Legislative Council who claimed to voice the feelings of the entire population of the State. If a referendum on the question of abolition of the hereditary right of shanbhogs was taken, he would assure the House that the Government would not get a majority vote in its favour. Also, he had his own doubt whether the Government had the right to do away with the hereditary rights enjoyed by the existing shanbhogs. His opinion was that the hereditary rights enjoyed by the shanbhogs were gifts made to them in the past in recognition of some meritorious service rendered and, as such, they were something like treaty rights. There was thus neither legal nor moral basis for its proposed abolition.

With reference to the statement made by the President that the Government should be vested with the necessary power by means of legislation and should be trusted to exercise it according to the circumstances of the case, **Mr. NARASINGA RAO** thought that it would be unsafe for the Assembly to vest such power in Government as there was no knowing how Government would exercise it. The immediate outcome of the measure would be that a large number of village officers—about 6,000 shanbhogs and 15,000 patels—who were well settled in life would be thrown out of employment. Their lands would be assessed to full revenue and the village officers, being deprived of their emoluments, would not be in a position to pay the assessment. Thus, Government would be bringing about a panicky state of affairs in the villages. So far as the Government were concerned, they would have to pay compensation to the shanbhogs who would be deprived of their hereditary right. He asked how the Government were going to find funds for this purpose.

The PRESIDENT replied that Government had carefully considered that point and their view in the matter was contained in the statement made to the House during the last Dasara Session. Therein they had stated:—

> "We do not propose compulsory deprivation of the hereditary right at present because this would mean the payment of a large amount by way of compensation which the Government are not in a position to find at present. So, we shall have only voluntary relinquishment at present. But provision will be made in the amending bill for compulsory acquisition on payment of compensation—to be enforced when funds permit and Government consider it desirable in public interests."

Continuing, **Mr. NARASINGA RAO** said that the measure before the House had gone a step in advance of the Bombay Watan Act on which it was based, in that it contained a provision for compulsory resumption of the right by Government—a provision which was not to be found in the Bombay Act. Government did not seem to have made enquiries as to whether the Watan Act had resulted in any advantage either to the administration or to the people of the Bombay Presidency. So far as his

personal knowledge went, that Act was practically a dead letter. Even otherwise, compulsory resumption would be a very harsh step to take. As regards voluntary surrender, he supported the view expressed by Mr. Vema Reddy that the holder of a village office had no right, in his individual capacity, to surrender the hereditary right which belonged to the family as a whole.

Continuing, the speaker said that holders of stipendiary appointments would have no status in life, being recipients of very small salaries, and even the little respect enjoyed by the village officers at the present day would disappear. That would result in retarding the progress of rural reconstruction work which the present day village officers were getting done by their personal influence.

Members of the House had attempted to get the hereditary right of only the shanbhogs abolished, but their proposal reacted on them and resulted in depriving the patels also of this right. Their action had prejudiced the interests of all classes of village officers. Whether shanbhogs or patels, they were all Mysoreans, and any attempt on the part of the Government to do away with their hereditary right by a stroke of the pen should be discouraged. Instead of abolishing the system, it would be well to improve it and place it on a sounder basis.

At this stage, **Mr. S. K. VENKATARANGA IYENGAR** raised a point of order, to the effect that the House was not competent to discuss the bill as it offended against Section 9, sub-clause 2 (*b*) of the Legislative Council Regulation read with Section 9 of the Representative Assembly since it infringed Art. 20 of the Treaty and the schedule showing the rules having the force of law, which was an annexure to the Mysore Treaty. Art. 20 of the Treaty laid down that :—

"All title-deeds granted and all settlements of land revenue made during the administration of the said territories by the British Government, and in force at the time of the rendition of the said territories shall be maintained in accordance with the respective terms thereof, except in so far as they may be rescinded or modified either by a competent Court of Law, or with the consent of the Governor-General in Council."

He contended that the service inams given to the village officers were regulated by title deeds granted by the British Government and in force at the time of rendition. There was also the Inam Rule of 1867 which was considered to be in force throughout the State. Many of them were granted during the British Commission days, and as such, were all governed by the treaty. These inams could not be taken away by an Act of Legislature. The bill had been brought up before the Representative Assembly as a preliminary step before its being discussed by the Legislative Council. If under the Legislative Council Regulation, the matter was outside the scope of the Legislative Council, there was no object in the Representative Assembly discussing it. In fact, the Representative Assembly was not competent to discuss it, without the consent of the Governor-General in Council. He had also ascertained that the consent of the Governor-General in Council had not been obtained for the proposed amendment. In the light of those facts he requested the President to give a ruling on his point of order before allowing further discussion.

Mr. B. S. PUTTASWAMY enquired whether a point of order could be raised by a member at any stage of discussion of the measure.

The PRESIDENT observed that a point of order about jurisdiction could be raised at any stage. He also invited the members to express their opinion on the point of order raised if any one desired to do so.

Mr. N. G. SANJEEVIAH, thereupon said that no title deeds had been given to shanbhogs just as in the case of inam villages. In the case of inam lands, in spite of the stipulation in the Regulation that such lands should not be alienated, several lands had been sold away. This showed that the title deeds had no binding force legally. Also the measure did not contemplate to take away the lands given to the shanbhogs without giving them compensation. For these reasons, he said that the point of order raised by Mr. Venkataranga Iyengar would not apply to the measure before the House.

Mr. K. CHENGALARAYA REDDY opposed the point of order. He said that the point of order, apart from its special significance for the occasion, went much further in that it aimed at the sovereign rights of the State in more respects than one. He was sorry that for the sake of a small measure this point of order should have been raised.

The article which was quoted referred to two items: title deeds and settlement of land revenue. Regarding the settlement of land revenue, the State had already overstepped the bounds laid down by that article. The Government had been pursuing its own policy all these years in this matter and no objection had been raised, though it had transgressed the treaty rights. The same procedure might be adopted in the case of these hereditary rights also. As the point of order aimed at subtracting something from the sovereign rights of the State, he would not be a party for upholding it. The measure could be discussed on its own merits. The Government had, from the very beginning, given opportunities for the representatives of the people to discuss it and had also thought it fit to legislate on the subject.

The PRESIDENT, in giving his ruling on the point of order, said that though Section 9 of the Legislative Council contained certain provisions, there was no corresponding section in the Representative Assembly Regulation. Therefore, the Assembly, which was a consultative body, was competent in its consultative capacity to express any opinion it liked. He added that if at all, the matter could be raised under Section 9 of the Legislative Council Regulation during the meeting of the Legislative Council. With these observations, he permitted the House to proceed with the discussion on the bill.

Mr. B. L. BYANNA, in opposing the measure, said that the Government would not be well advised to uproot the hereditary system of village offices as a whole for the omissions or commissions on the part of a few shanbhogs. Under the existing Regulation, Government had ample power to punish erring shanbhogs or patels and that power was being exercised as and when required.

Continuing, he said that Mr. Gundappa had stated that the intention of the Assembly was to make the measure applicable only to shanbhogs but Government had applied it to all classes of village officers and that in canvassing support for the bill, he had gone to the extent of assuring members that it would not affect the patels. The speaker did not agree with that view. Once the power was vested in Government, they might as well apply it, even to begin with, to patels. But there was no need for such a measure at the present stage. Though a majority of the members in the House were in favour of the measure, it did not command universal support. He would therefore endorse the sentiments expressed by Mr. Vema Reddy in the matter of preserving the hereditary rights of village officers.

Mr. N. G. SANJEEVIAH, interrupting the speaker, pointed out that Mr. Byanna himself had brought up a resolution, some time previously, for the abolition of the hereditary system.

While admitting that it was so, **Mr. BYANNA** said that he had not gained enough experience at the time and that he had modified his opinion since then. Continuing, he said that at a time when the people were supporting the Congress policy and were trying to win Swaraj, nothing should be done to surrender the existing rights and privileges of the people. In his opinion, the reason why there was opposition to the continuance of the hereditary right of shanbhogs was that the *shanbhogi* offices were mostly held by members of a single community who lived in the midst of illiterate villagers. The shanbhog, being the only literate man in the village generally, had become the object of jealousy and ire of the so called leaders of other communities who were forced on occasions to take his help for purposes of canvassing, etc. They wanted to get over this by getting the existing shanbhogs removed. Government should therefore not proceed on the basis of the majority of votes in the House.

He was anxious that no blame should attach to Government that they were coerced into taking illegal action by the majority who were actuated by communal virus. That would be a reflection on the benign rule of His Highness the Maharaja which was noted for its justice and fairplay.

Mr. M. A. GOPALASWAMI IYENGAR, speaking next, said that while the Bombay Watan Act did not contain any provision for compulsory resumption, such a provision had been introduced in the bill, and to that extent it was reactionary. Secondly, the term "Holder of the Village Office" had not been defined in the bill as in the Bombay Act. In the absence of such a definition he was afraid it would give room for confusion in the practical application of the law. He thought that provision for a solacium of at least 5 per cent should be made in the bill in view of the provision for compulsory acquisition introduced in it.

There was provision in the bill for compulsory acquisition as also acquisition by mutual consent. If a dispute arose either in the matter of compensation or with regard to the terms of contract, it was not clear whether it had to be decided by revenue officers or by a civil court. An express provision was necessary for that purpose. If these suggestions were given effect to and necessary improvements made in the bill, he thought it would accord with the principles of equity and justice and become acceptable to the House.

Mr. H. M. CHANNABASAPPA, in supporting the measure, said that none of the opposers had made out any good case for their opposition. One of the opposers said that it was not constitutional to do away with the existing system. He doubted whether that member had understood the exact meaning of the term "constitutional." In his opinion, whatever tended to add to the convenience of the majority by removing the existing disabilities was constitutional. He did not see any reason why any system, however ancient, should be continued when it was proved to be unsuitable to modern times. It was quite constitutional to do away with a system which was an anachronism.

Referring to the statement made by Mr. Narasinga Rao that there was neither legal nor moral basis for the introduction of the measure, the speaker said that the nature of the illegality or immorality had not been explained by the member and so, that charge could not stand. He also did not understand how the proposed measure would interfere with rural development work, as alleged. Still another charge was that the bill was the outcome of complaints made by a few individuals against the existing system. With reference to that statement he would only say that the Government had not taken all the trouble over this legislation just to please a few, but that it was brought up only after ascertaining the general opinion of the Assembly who represented the masses.

Referring to the new clause proposed to be added under Section 9 of the Regulation in respect of inam villages, he said that it dealt with only cases where the patels or shanbhogs were not hereditary. It was not clear what the procedure should be if the patel or the shanbhog had the hereditary right. Suitable provision should be made in the bill in this connection.

Proceeding, **Mr. CHANNABASAPPA** said that in inam villages, the responsibility to arrange for the performance of the duties of shanbhogs and patels was vested in the inamdar. It was quite possible that in order to save money, the inamdar might undertake to attend to the duties of such offices himself. But seeing that most of the inamdars were residing outside inam villages, he was doubtful how far that system would work. Personally he was against inamdars being entrusted with the duties of such offices and wanted that a separate agency should be appointed to attend to such duties.

The PRESIDENT pointed out that it was a matter purely for executive action and that it would not affect the bill.

Mr. N. G. SANJEEVIAH also supported the measure. Referring to the statement that hereditary *hak* was a

very ancient right and should not be done away with, he said that formerly even the posts of teachers and other Government appointments were the close preserve of a single community. Hereditary rights were also being enjoyed by several other communities under the *barabaluthi* system. One by one, all those rights were abolished by the Government and not one voice of protest was raised against such action. Such being the case, he could not understand why there should have been any opposition to the bill before the House which sought to abolish similar rights in the case of certain other offices.

Continuing, he said that those who opposed the measure contended that the hereditary right belonged to the entire family and a particular holder thereof was not competent to surrender it voluntarily. They also contended that it was not right for the Government to resume the right compulsorily from the family to which it belonged on account of the fault of a particular holder. As regards those arguments, he said that the claim for the hereditary right would arise only after the death of its holder and if that right should be lost during the life-time of that holder, the question of the claim of other members of the family could not at all arise.

Mr. N. G. SANJEEVIAH also said that the provision in the bill which gave option to holders of the hereditary right to voluntarily surrender it, if for any reason they were willing to do so, was of great advantage to such of those shanbhogs as were indebted and had no other means of repaying their debts. They could surrender their right and clear up their debts from the amount of compensation they might get. There was also another advantage: in the case of a person who was childless, instead of allowing the right to pass to a distant relation of his residing in an unknown place, he could himself surrender the right to Government and obtain compensation which could be made use of for his own benefit in his old age. There was no room for the apprehension entertained by the opposers of the measure that the bill was going to act as a great hardship to the entire lot of shanbhogs and patels, because it was the intention of the Government to give effect to the scheme gradually as and when funds permitted. They only wanted to take power in this behalf by means of the proposed legislation. There was also no basis for the fear entertained in respect of patels as the provisions of the bill were not likely to be applied in their case in the near future.

Continuing, **Mr. N. G. SANJEEVIAH** said that he was surprised to see that, at a time when socialism was becoming the order of the day, even really enlightened members of the Assembly were pleading for the perpetuation of hereditary rights. There was no need for its continuance any longer and no harm would result by its abolition. He had himself brought up a resolution during the year 1934 for the abolition of the hereditary right of shanbhogs and the same had been passed by a majority vote. Subsequently, the same question was coming up year after year both in the Assembly and in the Legislative Council. That clearly went to show that the members were in favour of the abolition of the hereditary right of shanbhogs altogether. In the face of these hard facts, to say that the measure had the support of only a few people would not be correct.

Referring to the challenge thrown out by one of the opposers that if a referendum was taken, Government would not get a majority vote in favour of the measure, **Mr. SANJEEVIAH** said that there was no need to take up that challenge. If there had been real support for the continuance of the existing system, it would have been demonstrated by means of meetings protesting against the proposed abolition. And so far as he was aware, he had not heard of any such protests from any part of the State. The present system had given room for the development of a slavish mentality among the village offices, which affected the morale of the service as a whole. It was therefore desirable to abolish the existing system and appoint stipendiaries in place of the present hereditary shanbhogs.

Mr. W. H. HANUMANTHAPPA, in opposing the measure, said that he was sceptical as to the benefits that were going to accrue to the village organisation as a result of the abolition of the hereditary rights enjoyed by the village officers at present. His own opinion was that the existing shanbhogs were playing an important role in the villages and were not a bad influence there, as was alleged by some of the speakers. For one thing, it was as a result of the labours of some of the shanbhogs that some of the members had been able to secure seats in the Assembly. Previous speakers had acknowledged that the system had a hoary past and the writings of the earliest historians also went to show that the institution commanded the admiration of even foreigners. It seemed to him that no strong reasons had been advanced by any one for abolishing such an admirable system altogether.

The members of the Assembly who had set up the agitation in this behalf had done so with the object of hitting at one class of village officers, but to their surprise, the bill under discussion sought to affect also another class of people whom they never intended to harm, and now they did not know whether to support or oppose it.

Proceeding, the speaker said that the entire question had to be viewed from the larger interests and the general good of the entire State. If the proposed bill was passed into law, it would deprive about 30,000 families of their livelihood. It would thus swell the unemployment list which was already appalling and the Government would be faced with the problem of providing all the people with a living.

Much was made by the advocates of the bill of the inefficiency of some of the existing village officers and the mistakes committed by them. In this connection, it had to be borne in mind that there was a hierarchy of officers over these village officers—Sheikdars, Amildars, Sub-Division Officers, etc.—to exercise control over them and call them to order whenever they committed mistakes. Generally speaking, it had to be admitted that the village officers had done meritorious services in the past and deserved to be treated sympathetically and not turned out of their offices as was proposed. With these remarks, he opposed the measure.

Mr. JATHARE NAIK whole-heartedly supported the foregoing views.

Mr. K. T. BHASHYAM AIYANGAR prefaced his remarks with the observation that the patels, shanbhogs and other village officers had been enjoying the hereditary right from ages past. The idea at the present time was to replace them by stipendiaries and with that object the amending bill had been placed before the House. Without dwelling on the earlier history of the hereditary system, he would consider what the effect of the measure was likely to be on the existing organisation. If it was going to improve the existing position and result in lasting benefit to the State as a whole, then, it deserved to be passed without any compunction for the loss of the hereditary right. If it was not likely to result in any benefit, it did not deserve the support of the House. If it was going to result in definite harm to the people at large, the House must certainly oppose it.

Referring to the provisions in the bill he said that they sought to abolish the right by two methods, *viz.*, with the consent of the holder and by compulsory termination. If the termination of the hereditary right was going to result in substantial benefit to the State, he as an admirer of socialistic ideals would advocate its application to every class of hereditary right. But he had his own doubts about conditions in the villages improving as a result of the displacement of the existing shanbhogs by stipendiary men. Conditions being what they were, Government could not afford to pay the proposed stipendiaries more than Rs. 15 a month, and it was impossible for any person to maintain himself and his family with that sum. The stipendiary shanbhog perforce would resort to questionable means of supplementing his income. That way, bribery and corruption, which were sought to be put an end to, would continue even after the appointment of stipendiary men.

Secondly, when the bill was brought into full working order, about 30,000 new appointments would have to be made. Seeing that even for small bus licences the owners had to spend heavy sums by way of bribes and also taking into consideration the large number of unemployed men in the State, there was every possibility of the candidates for these places tempting the appointing authorities with illegal gratifications. Thus he was afraid that the present legislation, instead of putting down corruption and bribery alleged against the existing shanbhogs, would tend to perpetuate the evils in many ways. He was sure that properly qualified people would not accept the appointments in the villages and that those who did would not be able to command much respect, would have no knowledge of local conditions and, what was more, no stake in the village. *Per contra*, the hereditary shanbhog, who was considered an honorary village officer, was a man of the place with some stake in it; for that reason, he was able to command respect from the villagers. He had also a natural desire to improve the village and to treat others in the village as his brethren. All these considerations went a long way in making his work in the village easy.

Proceeding, **Mr. BHASHYAM AIYANGAR** said that it was not safe to vest in the Government the power of terminating the hereditary right of village officers as proposed in the measure under discussion. If it was passed, they might apply it, contrary to the wishes of the people, against the patels themselves to start with.

As regards the question of collection, he said that the existing shanbhogs were able to collect as much as possible from the villagers and if they were not able to collect a larger percentage, it was due, not to their incapacity to do so, but to the inability of the people to pay more owing to their present economic condition. If any further coercion should be exercised on the raiyats, they would be ruined.

It was easy to allege that the patels and shanbhogs were mainly responsible for creating party factions and litigation in the villages. In his opinion, the village officers were not to blame for that. The real cause lay in the economic position of the people. Having nothing to do during the off-season, the raiyats had much scope for creating every kind of trouble in the area. With the expansion of education and provision for cottage industries, etc., to keep them busy throughout the year, the scope for creating such troubles would be very much less. Hence there was no justification for accusing the hereditary shanbhogs for the present state of affairs in the villages, which had been brought about by the present economic condition of the country.

The appointment of stipendiary men for these posts would mean very heavy expenditure, and under the present financial condition of the State, it did not seem to be a feasible proposition. The speaker was doubtful if honest service could be expected of such stipendiaries. As already stated, they had no stake in the village, and if they did not like to remain in any village, they would try to get themselves transferred to another village. Even for serious mistakes committed, they might merely be punished by being transferred from one place to another. But that was not the case so far as hereditary officers were concerned. The fear of losing the hereditary right was a deterrent against their indulging in any offence of a serious type. If any of them happened to forfeit the hereditary right as a result of such an offence, the entire village would combine and put them to disgrace. The fear of such disgrace was enough to keep them within bounds.

In conclusion, he said that no perceptible improvement could be effected in the village administration by displacing hereditary shanbhogs by stipendiary officers. Though he was prepared to accept the maxim that hereditary rights should be dispensed with, he was not in favour of applying that maxim to the case under discussion, for the reasons enumerated by him. With these remarks, he opposed the measure.

Mr. S. K. VENKATARANGA IYENGAR, in opposing the measure, pointed

out that from the recorded proceedings it was evident that high compliments had been paid to the services rendered by the village officers in the past, and it was in recognition of such services that Government had changed the designation of these officers from "village servants" to "village officers." Viewed from the higher interests of the State, he was definitely of opinion that no change was called for in the existing system. So far as conditions in the villages were concerned, the party factions, etc., were bound to continue as long as the economic condition there was what it was. With the spread of education and enlightenment and also as a result of the introduction of cottage industries, such things were likely to disappear. It had also to be remembered that the hereditary system of village offices was not peculiar to Mysore. It was to be found in many parts of British India as well as in other Indian States.

Continuing, **Mr. VENKATARANGA IYENGAR** said that if the working of the proposed legislation should result in dislocating the village organisation and creating confusion, Government might shirk the responsibility for it by saying that the legislation was passed by the members of the Constitutional Houses and thus lay the entire blame at the door of the people. This was an ancient institution which deserved to be improved upon, if it did not suit modern times, and not abolished altogether.

Mr. P. SUBBARAMA CHETTY said that being a resident of a city, he was not in a position to speak with any personal knowledge about the position occupied by the hereditary village officers in the rural areas. But he had no hesitation in saying that if as a result of the abolition of the right, whether it be of the patels or of the shanbhogs, the State was going to benefit, it should be agreed to. The question of doing away with hereditary *shanbhogi* was not a new one. In one form or other, it was being discussed for several years past, both in the Representative Assembly and the Legislative Council, and several committees had been appointed to consider the question. In their Order of July 1935, the Government had clearly explained the situation and the policy they intended to adopt in the matter. It was desirable that any legislation to be enacted was made applicable to both the *pateli* and the *shanbhogi* offices so as not to give room for the impression that it was all a communal move. With these remarks, he supported the measure.

Mr. SYED MOHIYUDDIN HUSSAIN, in supporting the measure, was surprised that there should have been so much of controversy over the measure. He said that in the past, the shanbhogs were honorary magistrates in their own localities and were commanding much respect. Also, they were the only literate people in the villages and their word was law. In addition, they were the repositories of all knowledge. But conditions had changed considerably and, at the present day, they had lost both the power and the respect which they originally enjoyed. Their average income did not exceed Rs. 10 a month, with which they had to maintain both themselves and their families. In addition, they had to provide for the convenience of the officers who visited the villages periodically. The officers treated them with the least respect. All this made their condition unenviable. For these reasons, the present system deserved to be abolished without any hesitation and the system of stipendiary shanbhogs introduced instead. Sheikdars, Amildars and other revenue officers were being transferred once in three years and yet the administration was going on without any difficulty. Similarly, by posting stipendiary men, who were liable to be transferred periodically, to village offices the administration of village areas would not get dislocated. He had no doubt that duly qualified people would be available for appointment on salaries ranging from Rs. 10 to Rs. 15 for these posts.

Continuing, he said that while some of the members of the Assembly had aimed at taking away the hereditary *hak* of the shanbhogs, the Government had manoeuvred to club together the patels and the shanbhogs.

The PRESIDENT observed that the procedure adopted by the Government was the correct procedure.

At this stage, the Assembly adjourned for lunch and reassembled at 3-30 p.m.

Mr. Tudki RAMANNA GOWDA, in opposing the measure, said that even though shanbhogs and patels were getting small *potgi*, they were commanding great respect in the villages. The main reason for it was that they discharged their duties in a spirit of service to the community and to the Government. And the reason why they were devoted to their work was their constant fear of losing the *hak* which they had inherited from their forefathers and along with it their self-respect and stake in the villages. The stipendiary shanbhogs proposed to be appointed, on the other hand, would have none of these considerations. So far as the Malnad was concerned, even if special allowances were offered, there was no likelihood of getting competent men who would discharge their duties with equal devotion, even apart from the question of local knowledge. The statement that the shanbhogs were a bad influence in the villages was merely the outcome of prejudice. The *hak* they enjoyed was an age-long right and Government would not be justified in depriving the numerous families of that *hak*.

Mr. GURUSWAMY GOWDA, on the other hand, spoke in support of the bill and questioned the accuracy of the several statements made by the previous speaker. He said that it was far from the truth to say that the existing shanbhogs commanded respect in the villages. The spirit of honorary service was unknown to them. They were betraying nothing but greed and avarice in all their dealings. They happened to be past-masters in the art of creating party feelings. It was high time, in the interest of all concerned, that they were replaced by stipendiary shanbhogs.

Continuing, he said that the allegation that this bill was inspired by communal motives had no foundation, because there were many non-Brahmins among shanbhogs and many Brahmins among patels, and the measure would apply to both patels and shanbhogs. From his personal knowledge he was in a position to state that several right-thinking people among shanbhogs would not be sorry if they were relieved from the shanbhogi office as they were neither commanding any respect nor able to make their ends meet from the paltry *potgi* allowed to them by the Government. The opposition to the bill was an electioneering stunt manoeuvred by interested people and as such the statements made by the oppositionists need not be taken seriously by the Government. He had no doubt that the stipendiary holders of these offices would discharge their work with even better devotion. The bill deserved to be passed by the Assembly, in the interest of efficient village administration.

Dharmapravartha M. L. NAGAPPA SETTY, in supporting the measure, said that it should have been brought in by the non-official members themselves. Now that the Government had brought it forward, he did not think there should be any objection to it. He had no doubt that the measure proposed was a reform in the right direction. He was of opinion that, however age-long an institution, if it failed to help the people, it deserved to go. On account of the hereditary right, very many uneducated people were holding office and were more a hindrance than a help to the people, and their continuance would not tend to the healthy development of village administration.

Mr. MEER MAHOMED SAHIB, in endorsing the views expressed by the two previous speakers, added that the abolition of the hereditary *hak* would result in the improvement of revenue collections in the State and also tend to reduce to the minimum cases of misappropriation by shanbhogs of moneys paid by raiyats towards *kandayam*. Several families had been ruined as a result of such misappropriations by shanbhogs and the proposed measure would prevent such mishaps.

Mr. K. CHENGALARAYA REDDY, in criticizing the points raised by the oppositionists, said that the measure should not be viewed from a narrow,

communal, or selfish point of view, but in the higher interests of the State as a whole.

Certain members had characterised the *hak* as an age-long and sacred right and should therefore not be meddled with. Mr. Bhashyam Aiyangar, on the other hand, had clinched the point in his statement that a right, however age-long or sacred, deserved to be done away with without any compunction the moment it ceased to be of help to the people at large. Most of the rights which had originated in ancient times were fast vanishing as anachronisms. Somehow or other, the hereditary right of village officers had continued till the present day. This right also should be done away with if it did not help the people at large.

Proceeding, the speaker said that, in the past, owing to absence of inter-communications, among other causes, the village administration was a self-contained unit. But, within the last century or two, that organisation was slowly crumbling down. As, at present, there was one central government and facilities for communication, it was very desirable to re-shape the village organisation suitably.

It was universally recognised that the efficiency of a service depended to a large extent on the emoluments attached to it and any tinkering with it would not do. So far as the village officers went, they were living on a pittance, and it was too much to expect any efficient work from them. It was incorrect to say that the village officers commanded much respect in their jurisdictions. If a few people did actually command respect, it was not because they held the shanbhogi office but because of other considerations, such as birth in a high and respectable family, possession of wealth, etc.

The bill before the House was neither confiscatory nor expropriatory since there was provision for payment of compensation in return for the surrender of the *hak*. After all, the intention of the Government was, to begin with, to resume the right with the consent of the holder on a voluntary basis.

Continuing, the speaker said that the practice of shanbhogs not living within their circle of duty and not performing the duties by themselves but through *gumastas* was on the increase from year to year. Out of a total of 6,000 and odd shanbhogs in the State, as many as 3,500 and odd had *gumastas* appointed for them and 1,800 and odd shanbhogs were residing outside their circle of duty. Further, 91 *baravardar* shanbhogs were holding other government appointments. These figures were on the increase year to year in spite of the Government issuing orders every year in the matter of enforcement of the rules on the subject. It was therefore right and desirable that Government should make arrangements for the filling up of such vacancies by stipendiary shanbhogs.

As regards the contention that the appointment of stipendiaries would involve very heavy expenditure to Government, he pointed out that there was no intention to replace the entire lot of village officers all at once but the idea was to begin by replacing shanbhogs where they were not actually holding their office and were getting their work done by *gumastas*. There were any number of educated young men without employment who were prepared to accept the appointment on reasonable salaries. The measure proposed would in no way increase the number of unemployed, as apprehended by some of the previous speakers. In fact there was no idea to retrench the number of the appointments. For every man to be thrown out, another would be employed.

The speaker did not believe that any one had seriously proposed to make the question under discussion a plank for electioneering campaign, as alleged by some members. The question of election stood on its own merits and could never have any connection with the question of support or opposition to the measure. The question of its repercussions on the elections apart, the bill deserved to be passed by the House in the larger interests of the State.

Continuing, he observed that it was no doubt true that the proposed amend-

ing bill had gone in advance of the Bombay Watan Act by providing for compulsory resumption of the office. Instead of condemning it, the speaker would commend it for the reason that it gave legal sanction to enforcing the rules in the matter of the shanbhogs residing within their jurisdiction and looking after their work themselves instead of through *gumastas*. With these remarks, he strongly supported the bill.

Mr. Belur SRINIVASIENGAR, in opposing the measure, said that the existing system had not resulted in any very great disadvantage to the people so as to necessitate its abolition. The supporters of the measure had not proved to the hilt the charges levelled against the shanbhogs, beyond making vague statements. The percentage of collections of revenue had ranged from 81 to 95 in spite of the economic depression prevailing for the past half a dozen years or more. So long as the *baravardar* was able to arrange for the satisfactory discharge of his work, it was immaterial whether he himself did the work or got it done by a *gumasta*. The speaker did not think that even for checking the growing number of absentee shanbhogs, the measure proposed was necessary, because even under the existing rules they would lose their *hak* by efflux of time.

Misappropriation of Government money by shanbhogs was cited as another ground for doing away with their hereditary *hak*. As regards this charge, the speaker inquired whether misappropriations had not taken place even in Government departments as well as in recognised co-operative banks like the Apex Bank, etc. As in those cases, the erring shanbhogs also could be punished in other ways than by amending the Village Offices Regulation.

The bill proposed to vest in the Government power to resume the hereditary right, from time to time. The speaker thought that it was not very safe to give such large powers to the executive. On the other hand it would be more desirable to improve the existing system itself by entrusting the village officers with more powers and enhancing their *potgi* also, with a view to induce them to put forth more efficient work. Rather than doing away with the institution altogether on the ground that there were some defects in it, it would be better for the Government to remedy the existing defects and place the system on a sounder basis.

Mr. Palahalli SITHARAMIAH supported the measure. He said that it would benefit not only the raiyats but also the existing hereditary village officers. So far as the shanbhogs were concerned, out of about 6,000 and odd of them, only about 2,000 and odd were on active duty. Of the remaining 4,000, many had employed *gumastas* and some had taken up appointments in Government departments. This went to show that many of them were not keen about the shanbhogi office. As such they might be willing to receive compensation and surrender their right to the office. So far as the raiyats were concerned, there was a bitter complaint by them that the shanbhogs were instrumental in creating party factions in the villages and in preventing the villagers from deriving the full benefit of several Government Orders intended to give relief to them, and that in certain places they were so high-handed in their dealings that they made it difficult even for summonses from courts to be served on the parties concerned. In such cases it would be possible for the Government to resume the hereditary right compulsorily under the proposed measure.

In the past, hereditary rights were enjoyed even by certain classes of officers of the Police and the Revenue Departments. But they had all been abolished subsequently. And the perpetuation of such rights only in the case of village officers was not warranted. If the village administration should improve, it was necessary to employ qualified people on better wages than at present. That could be feasible only if the existing system was abolished altogether.

At present, the hereditary right was being treated by the shanbhogs as their

personal property, whereas the Government were treating the shanbhogs as public servants for certain purposes and as honorary men for certain other purposes. Such dual capacity, he thought, would not tend to the healthy growth of village administration. They should be either purely honorary officers or purely public servants. If they were to be purely honorary officers, there should be no question of hereditary rights, and on the analogy of the chairmen of village panchayets, their appointments should terminate after a certain number of years. If they were to be treated as purely public servants with definite obligations to discharge, they should lay no claim to the hereditary *hak* which they were treating as a personal right.

Continuing, he said that he did not believe that communal motives need be attributed to this bill so long as it was meant to apply with equal force to patels as well.

He next suggested that a provision should be inserted in the bill laying down the minimum and the maximum limits of compensation amounts to be awarded, instead of leaving them to be prescribed by rules.

Concluding, the speaker suggested the abolition of the hereditary system of village officers in inam villages also.

Messrs. B. NARAYANA REDDY and **N. HANUMANTHAPPA,** in further supporting the measure, said that the existing village officers were leading a miserable life as the *potgi* paid to them was very scanty. They had therefore to resort to questionable means of supplementing their income, and in doing so they were giving any amount of trouble to the raiyats in the villages. In the interests of all concerned, the hereditary right should be abolished.

At this stage, **Mr. HOMBE GOWDA** moved a closure motion, which was duly seconded.

The general principles of the bill were thereupon put to vote and passed, 140 voting for and 25 against.

REPRESENTATIONS—*contd.*

No. 90.—Introduction of uniform weights and measures throughout the State.

Messrs. GANGIAH, Nelamangala Taluk; **S. KARIAPPA, M. LINGE GOWDA** and **Gurukar VENKATARAMANE GOWDA,** Kankanhalli Taluk; **T. MADIAH GOWDA** and **V. VENKATAPPA,** Channapatna Taluk; **R. DASAPPA** and **K. RUDRAPPA,** Devanhalli Taluk; **VEERASANJEEVA GOWDA** and **M. B. GURULINGIAH,** Closepet Taluk; **VEERE GOWDA,** Dodballapur Taluk; **H. GANGAPPA,** Magadi Taluk; **S. SHARABHANNA,** Anekal Taluk; **J. V. CHANNAPPA** and **GURUSWAMI GOWDA,** Hoskote Taluk; **B. M. MUNISWAMAPPA,** Bangalore Taluk; **S. T. MALLASETTAPPA,** Nelamangala Taluk; **B. L. BYANNA,** Bangalore City Municipality; **A. M. VENKATASAMIA,** Closepet Municipality; **S. G. SANKARAIAH,** Dodballapur Municipality; **Shroff RANGASWAMI SETTY,** Magadi Municipality; **Yejaman CHANNAPPA,** Devanhalli Municipality; **R. RANGAIYA,** Channapatna Municipality; **K. Y. T. VENKATACHALIAH,** Kankanhalli Municipality; **T. L. GANGOJI RAO, B. C. RANGAPPA, M. ABDUL JABBAR, S. MUNIVENKATAPPA** and **M. ABBOY,** Minorities, and **Mogenhalli SIDDE GOWDA,** Special Interests.

Mr. GANGIAH represented that as the weights and measures used in the several parts of the State were not uniform, the raiyats were put to much loss. It was 42½ seers per maund in some places; 45 seers in others and something more in some other places. Similarly, it was 320 seers per candy in some places, 165 in others and so on. As a result of these variations the raiyats were losing heavily. With a view to prevent such losses, he prayed that uniform weights and measures be introduced throughout the State.

Messrs. B. L. HUTCHAPPA and **H. GANGAPPA** supported the representation.

Dharmapravartha M. L. NAGAPPA SETTY stated that the question was engaging the attention of the Industries and Commerce Board.

ONE MEMBER said that the raiyats, in addition to getting very low prices for their produce, were also losing heavily by the use of false weights and measures by merchants. He suggested that standard weights and measures might be got prepared in

the Bhadravati Iron Works and supplied to all parts of the State.

Mr. K. SRIKANTAIAH said that attempts were being made to enforce the compulsory use of certified measures and weights in certain areas, and in course of time they would be in use in all places. But so far as the *kolaga* measure was concerned, the raiyats were experiencing some difficulty as its capacity ranged from 8 to 10 seers in different places. He suggested the desirability of the Government prescribing a standard *kolaga* measure, with a capacity of 8 seers.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) observed that the use of certified weights and measures had been enforced in about 23 important towns in the State. With a view to ensure that only authorised weights and measures were being used in those areas, testers had been appointed. The testers would also test and certify the weights and measures brought to them by merchants. The orders in this respect would be gradually applied to other areas also in consultation with the Deputy Commissioners and mercantile organisations. Mr. Srikantaiah who had been taking very keen interest in the matter had brought up the question before the Board of Industries and Commerce and it was under their consideration. This question was not peculiar to Mysore. Even in British India they had been trying to introduce uniform weights and measures, but so far, not much progress had been achieved, except perhaps in the Bombay Presidency. The Government of Mysore were considering what action was necessary in the matter so far as this State was concerned, and the several suggestions made by the members would be noted and considered in that connection.

No. 94.—Compulsory Primary Education.

Messrs. K. C. SUBBANNA, Chamarajanagar Taluk, and **BASAPPA,** Gundlupet Taluk.

Mr. S. C. BELURIAH prayed that as primary education was essential for the advancement of the State, it might be made compulsory throughout the State, so that every one might be educated.

Mr. K. V. VEERANNA supported the representation.

Mr. U. VEERABHADRAPPA suggested that in addition to making primary education compulsory, facilities should be prescribed for boys who could not attend middle schools, to study for the Kannada Lower Secondary Examination. If that was done, there was every chance of the boys making better use of their primary education.

Mr. Bagamane DEVA GOWDA pointed out that at present, all boys of school-going age were not attending schools. It was very necessary to fix the jurisdiction for each school and enforce compulsion in each area.

The DIRECTOR of PUBLIC INSTRUCTION (Mr. N. S. Subba Rao) observed that the introduction of compulsion was beset with several difficulties When they were finding it hard to provide schools on a voluntary basis, it was premature to speak of compulsion. Further, compulsion could only become effective with the willing co-operation of the parents of the children, since penalties would become necessary. In a number of schools since the co-operation of parents was lacking, the strength was very poor. He understood that the Local Education Authority were experimenting with a modified form of compulsion in the Mysore District, so that the existing schools could have full strength. If the experiment was a success, attempts might be made to try it in other districts. He assured the member that both the Government and the Department realised the necessity for the expansion of primary education, and they would do their best in the matter by introducing compulsion wherever possible.

Mr. K. M. KRISHNAPPA GOWDA said that the raiyat, being illiterate, was not anxious to send his children to school. It was therefore absolutely necessary that he must be compelled to do so, and for this purpose, the introduction of the compulsory scheme was urgently called for. If it was not possible to introduce the

scheme throughout the State all at once, it might, as a first step, be introduced at least in such of the villages as had been selected for concentrated reconstruction work, and then to other areas gradually. The Mysore District Board had sent up proposals in the matter and he hoped that the Director of Public Instruction would sanction them.

Mr. N. S. SUBBA RAO replied that he had not yet received the proposals referred to by the member and that he would look into them when received.

No. 100.—Encouragement to educated women.

Dharmaparayane Sri. ALAMMA, Special Interests.

Dharmaparayane Sri. ALAMMA prayed that lady teachers be employed in all primary schools as and when opportunities arose, with a view to give encouragement to educated women.

Messrs. T. MARIYAPPA and **Belur SRINIVASIENGAR** suggested that in appointing teachers to primary schools, preference be given to women.

Mrs. KAMALAMMA H. DASAPPA also supported the representation on the ground that women were better fitted than men to take care of young children.

The DIRECTOR of PUBLIC INSTRUCTION (Mr. N. S. Subba Rao) replied that, even at present there was nothing to prevent women from seeking employment as teachers in primary schools. But the main difficulty was that they were not willing to take up appointments in villages for various reasons. And even if they accepted appointments in villages, they would either begin to ask for transfers within a very short time or ask for allowances. It was not possible to give allowances in all places. Whenever women were willing to serve as teachers in village schools, the department would have no objection to employ them.

Mr. T. MADIAH GOWDA suggested that with a view to induce them to remain in villages, their emoluments might be slightly enhanced.

The PRESIDENT observed that the Government were in full sympathy with the question under discussion and would employ women teachers wherever possible.

At this stage, the Assembly rose for the day to meet again at 12 of the clock the following day.

SIXTH DAY.

Saturday, 31st October 1936.

The House reassembled at the Jagan Mohan Palace Pavilion on Saturday, 31st October 1936, at 12 of the clock, *Rajamantrapravina* S. P. Rajagopalachari, First Member of Council, in the Chair.

QUESTIONS AND ANSWERS—*contd.*

Railway Freight Concessions.

Q.—2. **Messrs. K. SRIKANTAIAH** (Special Interests); **S. KARIAPPA, M. LINGE GOWDA** and **Gurukar VENKATARAMANE GOWDA** (Kankanhalli Taluk), **T. MADIAH GOWDA** and **V. VENKATAPPA** (Channapatna Taluk); **R. DASAPPA** and **K. RUDRAPPA** (Devanhalli Taluk); **VEERASANJEEVA GOWDA** and **M. B. GURULINGIAH** (Closepet Taluk); **VEERE GOWDA** (Dodballapur Taluk); **H. GANGAPPA** (Magadi Taluk); **S. SHARABHANNA** (Anekal Taluk); **J. V. CHANNAPPA** and **GURUSWAMI GOWDA** (Hoskote Taluk); **B. M. MUNISWAMAPPA** (Bangalore Taluk); **S. T. MALLASETTAPPA** (Nelamangala Taluk); **B. L. BYANNA** (Bangalore City Municipality); **A. M. VENKATASAMIA** (Closepet Municipality); **S. G. SANKARIAH** (Dodballapur Municipality); **Shroff RANGASWAMI CHETTY** (Magadi Municipality); **Yejaman CHANNAPPA** (Devanhalli Municipality); **R. RANGAIYA** (Channapatna Municipality); **K. Y. T. VENKATACHALIAH** (Kankanhalli Municipality); **T. L. GANGOJI RAO, B. C. RANGAPPA, M. ABDUL JABBAR, S. MUNIVENKATAPPA** and **M. ABBOY** (Minorities); and **Mogenhalli SIDDE GOWDA** (Special Interests).—

Will the Government be pleased to state:—

what are the distances from the Cities of Bombay, Cawnpore and Agra to Bangalore City and to Madras; what are the rates of railway freight for goods from the above places to Bangalore and to Madras, respectively?